

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WARREN DURHAM,		)	
	Plaintiff	)	
	v.	)	C.A. No. 04-297Erie
		)	District Judge McLaughlin
CITY OF ERIE, et al.		)	Magistrate Judge Baxter
	Defendants	)	

**ORDER**

By Order dated March 24, 2006, this Court issued case management deadlines in this matter. Pursuant to the order, discovery closed May 10, 2006; Plaintiff's pretrial statement is due on May 19, 2006; and, Defendants' pre-trial statements are due on June 1, 2006. Document # 35.

By motion dated May 10, 2006, Defendant Tackett requested that Plaintiff be sanctioned due to his failure to appear at a deposition scheduled before the close of discovery. Document # 43.

Plaintiff filed a response to that motion claiming that he was provided only three days notice of the deposition, which time was not "reasonable", and that he had never been notified of any case management deadlines in this case. Document # 45.

AND NOW, this 16th day of May, 2006;

IT IS HEREBY ORDERED that Defendant Tackett's motion for sanctions [Document # 43] is GRANTED IN PART AND DENIED IN PART. Because of Plaintiff's inexcusable neglect in failing to notify counsel for Defendant Tackett, Plaintiff is ordered to reimburse the state Attorney General's office for counsel's travel expenses within five business days. The motion is denied in all other respects.

IT IS FURTHER ORDERED that Defendants may take Plaintiff's deposition on or before May 30, 2006. Defendants shall give Plaintiff at least three days notice of the scheduling of such deposition. Any further failure to appear for a scheduled deposition will result in the dismissal of this action for failure to prosecute. No further discovery shall be

conducted as discovery closed in this matter on May 10, 2006.

IT IS FURTHER ORDERED that Plaintiff file his pre-trial statement before June 9, 2006 and Defendants file their pre-trial statements before June 23, 2006. Dispositive motions are due by June 23, 2006; oppositions thereto are due by July 5, 2006. No further extensions of time will be permitted.

S/ Susan Paradise Baxter  
SUSAN PARADISE BAXTER  
CHIEF UNITED STATES MAGISTRATE JUDGE